

Message Text

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INRE-00 AF-06 ARA-06 NEA-10 IO-10 ERDA-05 AID-05

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H-02 INR-07 INT-05 L-03 NSAE-00 NSC-05 OMB-01 PM-04

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AMEMBASSY WELLINGTON IMMEDIATE

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E.O. 11652: GDS

TAGS: ENRG

SUBJECT: IEA; SLT MEETING OCTOBER 6-8; DRAFT GUIDING
PRINCIPLES FOR SPECIFIC COOPERATIVE PROJECTS

REF: STATE 231280

1. POSTS PLEASE DELIVER FOLLOWING TO APPROPRIATE HOST
COUNTRY OFFICIALS. US-OECD PLEASE PASS PEA SECRETARIAT.
USEC PLEASE PASS EC COMMISSION. PLEASE INSURE THAT PHRASE
IN PARA 3 "WHICH PROBABLY WOULD NOT OTHERWISE BE AVAILABLE"
AS WELL AS PARA 4(D) IS IN BRACKETS.

2. TEXT. FOLLOWING IS A FURTHER ELABORATION OF A WORKING
PAPER ON GUIDING PRINCIPLES FOR SPECIFIC COOPERATIVE PRO-
JECTS. IT IS SUBMITTED BY THE US DELEGATION AND THE
GERMAN DELEGATION ASSISTED IN ITS PREPARATION. HOWEVER
ONE PHRASE IN PARAGRAPH 3 AND ALL OF PARAGRAPH 4(D) ARE
BRACKETED AS THE GERMAN DELEGATION HAS RESERVED ITS
POSITION ON THE SPECIFIC LANGUAGE IN BOTH BRACKETED
SECTIONS.

3. THE GOVERNMENTS OF PARTICIPATING COUNTRIES AGREE TO
THE FOLLOWING GUIDING PRINCIPLES FOR SPECIFIC COOPERATIVE
PROJECTS FOR THE PRODUCTION OF ADDITIONAL ENERGY SUPPLIES:

(1) THE GOVERNMENTS OF THE PARTICIPATING COUNTRIES
SHOULD MAKE EFFORTS TO HELP IDENTIFY AND TO FACILITATE,
ON A CASE-BY-CASE BASIS, SPECIFIC COOPERATIVE PROJECTS
FOR THE PRODUCTION OF ADDITIONAL ENERGY SUPPLIES IN WHICH
ENTERPRISES FROM TWO OR MORE PARTICIPATING COUNTRIES
ARE WILLING TO TAKE PART. INTERESTED ENTERPRISES, PUBLIC
OR PRIVATE, TAKING PART IN A PROJECT WOULD MAKE A FINAN-
CIAL, SCIENTIFIC, MATERIAL AND/OR TECHNICAL CONTRIBUTION
AS AGREED AMONG THEM.

(2) IN ORDER TO FACILITATE SUCH COOPERATIVE ENERGY
PROJECTS, THE AGENCY WILL:
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-- ON REQUEST, ARRANGE FOR JOINT MEETINGS AMONG
INTERESTED PARTIES OR OTHERWISE OFFER ITS ASSISTANCE IN
CONCLUDING INDIVIDUAL AGREEMENTS;

-- FACILITATE EXCHANGES OF INFORMATION AMONG ALL
PARTICIPATING COUNTRIES CONCERNING NATIONAL PROGRAMS FOR
THE PRODUCTION OF ADDITIONAL ENERGY SUPPLIES AND ENCOUR-

AGE EXCHANGES OF GENERAL INFORMATION AMONG PUBLIC AND PRIVATE ENTITIES OF PARTICIPATING COUNTRIES CONCERNING POSSIBLE SPECIFIC ENERGY PRODUCTION PROJECTS.

-- MAINTAIN A LIST OF AGREEMENTS FOR SPECIFIC COOPERATIVE PROJECTS UNDER THIS FRAMEWORK;

(3) WITH RESPECT TO THOSE SPECIFIC COOPERATIVE ENERGY PROJECTS, NEW OR EXISTING, WHICH THE GOVERNMENTS INVOLVED DETERMINE, IN ACCORDANCE WITH THE PRINCIPLES OF THEIR NATIONAL ENERGY POLICIES, ARE LIKELY TO LEAD TO A SUBSTANTIAL INCREASE IN ENERGY PRODUCTION IN THEIR TERRITORIES (WHICH PROBABLY WOULD NOT OTHERWISE BE AVAILABLE) AND INVOLVE A SUBSTANTIAL CONTRIBUTION FROM PUBLIC AND/OR PRIVATE ENTERPRISES OF OTHER PARTICIPATING COUNTRIES, THE GOVERNMENT OF EACH PARTICIPATING COUNTRY SHALL ENDEAVOR:

A) TO FACILITATE INVESTMENT, INCLUDING INVESTMENT IN EXPLORATION FOR AND EXPLOITATION OF ENERGY SOURCES, BY USING ITS GOOD OFFICES WHERE REQUESTED AND WHERE APPROPRIATE;

B) TO ACCORD NATIONAL TREATMENT AND MFN TREATMENT TO SUCH ENTERPRISES;

C) TO AVOID INTRODUCING NEW LIMITATIONS UPON THE EXTENT TO WHICH SUCH ENTERPRISES ARE ACCORDED NATIONAL

TREATMENT AND MFN TREATMENT WITH RESPECT TO SUCH CO-OPERATIVE ENERGY PROJECTS;

D) TO AVOID IMPOSING RESTRICTIONS ON THE EXPORT-LIMITED OFFICIAL USE

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TATION OF THE PRODUCT OF SUCH PROJECTS TO PARTICIPATING COUNTRIES IN OTHER THAN CONDITIONS OF SERIOUS SHORTAGE;

E) TO FACILITATE THE EXCHANGE OF SKILLED MANPOWER, MATERIALS AND EQUIPMENT, AND THE TRANSFER OF CAPITAL WHICH MAY BE REQUIRED FOR SUCCESSFUL COMPLETION OF SUCH PROJECTS, AS WELL AS THE REPATRIATION OF PROFITS BY SUCH ENTERPRISES.

(4) WITH RESPECT TO THOSE PROJECTS DESCRIBED IN PARAGRAPH 3, THE GOVERNMENT OF EACH PARTICIPATING COUNTRY SHOULD CONSIDER:

A) IN SETTING ITS TAXATION OR PRODUCTION POLICY, THE EFFECT ON THE ECONOMIC EFFICIENCY OF SUCH PROJECTS;

B) GUARANTEEING TO ENTERPRISES FROM OTHER PARTICIPATING COUNTRIES, THROUGH MODIFICATION OF EXISTING LEGISLATION AND ADMINISTRATIVE PRACTICES IF NECESSARY AND APPROPRIATE, THE RIGHT TO EXPORT TO THEIR OWN COUNTRIES AN EQUITABLE PORTION OF THE PRODUCT OF THE PROJECT;

C) AVOIDING MEASURES WHICH WOULD MAKE MANDATORY A CHANGE IN THE DEGREE OF PARTICIPATION BY ENTERPRISES FROM OTHER PARTICIPATING COUNTRIES ONCE SUCH A PROJECT IS ESTABLISHED.

(D) AFFORDING TO THEIR NATIONALS AND COMPANIES WHO BECOME PARTIES TO SUCH A PROJECT IN ANOTHER PARTICIPATING COUNTRY INCENTIVES EQUIVALENT TO THOSE GRANTED BY THE HOST COUNTRY TO ITS OWN NATIONALS WITH RESPECT TO THAT PROJECT.) KISSINGER

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